

COUNTY OF YORK

MEMORANDUM

DATE: June 22, 2001 (BOS Mtg. 7/17/01)
TO: York County Board of Supervisors
FROM: James O. McReynolds, County Administrator
SUBJECT: Application ZM-57-01, R. B. Forrest Co., Inc.

ISSUE

This application requests to amend the conditions of a previous rezoning (Ordinance No. O97-11). The property is located in the northeast quadrant of the intersection of Goodwin Neck Road (Route 173) and Freedom Boulevard (Route 1197) in Victory Industrial Park and is further identified as Assessor's Parcel No. 24-(60)-36.

DESCRIPTION

- Property Owner: R. B. Forrest Contractor, Inc.
- Location: Northeast quadrant of the intersection of Goodwin Neck Road and Freedom Boulevard (144 Freedom Boulevard)
- Area: 7.58 acres
- Frontage: Approximately 270 feet on Goodwin Neck Road and approximately 840 feet on Freedom Boulevard
- Utilities: Public water and sewer are available
- Topography: Generally flat
- 2015 Land Use Map Designation: Limited Industrial
- Zoning Classification: IL (conditional)
- Existing Development: Vacant
- Surrounding Development:
 - North: Cable Associates, utility contractor
 - East: York County Waste Management Center
 - South: Single-family homes across Goodwin Neck Road
 - West: Vacant property, Seaford Transfer facility (under construction), single-family dwellings beyond

Proposed Development: Undetermined

CONSIDERATIONS/CONCLUSIONS

1. In 1986, the Industrial Development Authority (IDA) sponsored an application to rezone multiple properties located on the north side of Goodwin Neck Road from OPR (Office/Professional/Research) and IG (General Industrial) to IL (Limited Industrial). The application was approved with proffered conditions relating to building facades and building materials through Ordinance No. O86-83. In 1997, R.B. Forrest Contractors, Inc. requested to amend the proffered conditions that applied to the subject parcel (located in the northeast quadrant of the intersection of Goodwin Neck Road and Freedom Boulevard) to allow for the construction of an office and a metal or cinder block exterior shop building. The applicant's request was approved through the adoption of Ordinance No. O97-11. The intent of the amended conditions was to continue to ensure that any future development on the subject parcel in proximity to either Goodwin Neck Road or Freedom Boulevard would foster an office/residential appearance in order to remain compatible with existing and potential uses of the surrounding area. The five conditions are listed below:
 1. Development of the property shall be in substantial accordance with the site plan titled "Development Plan of R.B. Forrest Company, Inc.," and dated January 29, 1997.
 2. The facade of the proposed shop building, facing and parallel to Freedom Boulevard, shown on the above-referenced site plan shall be of glass, brick, or residential-type siding.
 3. The office building fronting Freedom Boulevard shall have an exterior of glass, brick, or residential-type siding on all four sides.
 4. Any future development within two hundred feet (200') of any public road shall have an exterior of glass, brick, or residential-type siding on all four (4) sides.
 5. For any future development not within two hundred feet (200') of a public road, all facades facing and parallel to a public road shall be of glass, brick, or residential-type siding.
2. The applicant is selling the subject parcel and does not intend to develop the property as shown on the referenced site plan. In fact, the 1997 site plan contains a note indicating that approximately one half of the parcel will remain in an undisturbed state. Because the site plan is referenced in the proffers attached to the 1997 zoning action, approximately one half of the property cannot legally be developed. The applicant desires to remedy this oversight and unintended consequence of the 1997 zoning and allow this section of the property to be developed for IL purposes. The applicant has submitted a new proffer statement that reflects his request that the conditions be amended once again to delete reference to the site plan and buildings depicted thereon. The applicant has also proffered the following conditions to address the aesthetic concerns pertaining to this property:
 - All building facades facing Goodwin Neck Road or Freedom Boulevard shall be of brick, architectural block, or residential siding.
 - All bay doors and loading areas shall be oriented away from Goodwin Neck Road.

- All outside storage areas shall be screened from Goodwin Neck Road by building(s), fencing, landscaping, or a combination thereof.
3. In order to remain compatible with existing and potential land uses in the surrounding area, the proposed conditions continue to ensure that future development on this parcel will foster an office/residential appearance in proximity to Goodwin Neck Road and Freedom Boulevard. The Comprehensive Plan recognizes the establishment of Victory Industrial Park and designates the subject parcel for Limited Industrial uses. The proposed conditions are consistent with the restrictions and covenants that apply to all properties in the Victory Industrial Park and provide the applicant with flexibility in determining the property's future use. While the applicant has not proffered a conceptual plan, any development of the property must be in accordance with the proffered conditions and the Limited Industrial performance standards found within the Zoning Ordinance. In addition to the proffered conditions that address screening and aesthetics, a Type-50 (50-foot) landscaped transitional buffer is required along the entire Goodwin Neck Road frontage of the property.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on June 13, 2001 and, subsequent to holding a public hearing, voted 7:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I believe that the proffered conditions, performance standards, and buffer requirements offer adequate protection to ensure that future development of the parcel will remain compatible with existing and potential land uses in the surrounding area and will foster an office/residential appearance in proximity to Goodwin Neck Road and Freedom Boulevard. I recommend that the Board approve this application through the adoption of proposed Ordinance No. 01-14, subject to conditions voluntarily proffered by the applicant.

Carter/3337

Attachments

- Excerpts from unapproved Planning Commission minutes, 6/13/01
- Zoning Map
- Ordinance No. O97-11
- Proffers dated 5/22/01
- Proposed Ordinance No. 01-14